

1972

REPORT

on
Community Affairs

GOVDOC

BRA
4906

1972



Prepared by the Department of Community Affairs
Leon Charkoudian, Commissioner
For Submission to
Governor Francis W. Sargent and the General Court

1 this Document Approved by Alfred C. Holland, State Purchasing Agent.
960

Est. Cost Per Copy \$1.32

M44
M1

TABLE OF CONTENTS

Introduction	ii
I. REGIONAL GOVERNMENT FOR MASSACHUSETTS	1
II. NEIGHBORHOOD GOVERNMENT	10
III. LAND USE POLICY	13
List of Appendices	
A. An Act to Initiate Organization of Regional Government in Massachusetts	
B. An Act to Authorize Certain Cities and Towns to Establish Neighborhood Service Areas to Undertake Certain Government Services	

The preparation of this document was financed in part through grants from the U.S. Department of Housing and Urban Development under the provisions of Section 701 of the Housing Act of 1954, as amended.

INTRODUCTION

This is the Department of Community Affairs' second annual Community and Environmental Development Report. The initial submission in December 1970 focused upon governmental roles and responsibilities in dealing with problems of community development. Recommendations were made in a number of critical areas: strengthening planning, management, and decision-making processes at all levels of government; the promotion of a policy which apportions responsibility among governmental levels in a manner that optimizes their capacity to effectively respond to community and environmental development problems; promotion of the use of incentives, guarantees, and reimbursements to ensure that state-wide growth patterns reflect an equitable allocation of available resources; and the upgrading of staff capability at all levels of government.

This year's Community and Environmental Development Study directs its attention to a number of issues which logically evolve from this general concern with strengthening the capacity of the public sector to pursue rational policies of community and environmental development. The recommendations and proposed legislation contained in this study promote the following:

- ... The creation of popularly elected, general purpose regional governments to more effectively deal with issues and problems which are area-wide in scope.
- ... State policies and legislation which will allow larger municipalities to establish sub-local forms of government, i.e., neighborhood service area government, in order to carry out certain functional responsibilities in a more efficient and responsive manner.
- ... A state land use policy which provides direction and guidelines for the rational utilization and/or preservation of the Commonwealth's limited land resources.

I

REGIONAL GOVERNMENT FOR MASSACHUSETTS

Findings and Recommendations

Since its establishment in November 1968, the Department of Community Affairs has been an active participant in promoting a variety of efforts to strengthen governmental capacity at the regional and local levels in the Commonwealth. This effort stems from the recognition that there is a growing crisis of government institutions, both in terms of citizen confidence and the capacity of these institutions to respond to identified public issues and needs.

Rapid suburbanization, declining central cities, the influx and/or exodus of industry and jobs, and significant demographic changes are representative of the pressing social and economic issues which confront large areas of the state. The rapidity and intensity of these dynamic factors have placed municipalities in the precarious position of either reacting too late with insufficient resources or passively accepting the attendant consequences as inevitable by-products of "progress." Accompanying this trend, one finds rising property taxes, a decline in the quality and quantity of municipal services and growing backlogs of needed public facilities, all manifestations of serious governmental incapacity.

Attempts to cope with these problems have been frustrated by the fact that many cannot be solved within the boundaries of a given municipality; rather they dramatically affect groups of communities in often defineable geographic areas. The strong economic and social interdependency fostered by modern technology dictates that what happens in one community has significant implications for its immediate neighbors. Clearly, no municipality can pursue its interests effectively without cooperating closely with adjacent communities. Thus, the development of regional political institutions that correspond to current economic and social realities becomes the only rational way to deal with problems which are area-wide in scope.

It is evident, however, that county government, as it presently exists, is not the answer; it has never possessed the appropriate structure, functions, or sufficient legal authority to adequately deal

with regional issues. Instead of solving area-wide problems, county government has become an increasing financial drain upon municipalities by further burdening local property taxation.

Given these concerns, the Department has undertaken extensive research to identify alternative governmental solutions to mounting regional problems. Throughout this process, a primary consideration has been the development of a governmental structure which could efficiently and responsively address these problems, while at the same time maintaining the basic integrity and viability of the municipality. In formulating its proposed solution, the Department has also attempted to utilize existing county boundaries as basic regional building blocks.

It is important to note that state government has provided a firm constitutional and legislative basis for establishing regional entities. Section 8 of Article LXXXIX of the amendments to the Massachusetts Constitution reserves solely to the General Court the power

to erect and constitute metropolitan or regional entities, embracing any two or more cities or towns, or established with other than existing city or town boundaries, for any general or special public purpose or purposes, and to grant to these entities such powers, privileges and immunities as the general court shall deem necessary or expedient for the regulation and government thereof.

As of December 1969, the General Court had authorized the formation of four types of educational districts, five types of health and social service districts, nine types of public works and utility districts, and five types of protective and other districts. The formation of over 300 different limited purpose districts has resulted from action taken by the General Court. This proliferation of various types of functional districts, however, has effectively blocked the integrated planning and delivery of area-wide services. Increasingly, it appears that some form of general purpose regional government is needed to provide a central mechanism for dealing with regional issues in a comprehensive manner.

As a result of these findings and considerations, the Department of Community Affairs hereby recommends:

THE ESTABLISHMENT OF A POPULARLY ELECTED MIDDLE LEVEL GOVERNMENT TO UNDERTAKE FUNCTIONS THAT ARE REGIONAL IN SCOPE.

It is important to note that the name of this middle tier government is not critical; what is important is the concept that it represents. Thus, whether this level is called a “county” or “regional” government should remain a subordinate issue.

Benefits

A number of benefits would accrue from the creation of a strong middle level government. These include: (1) increased governmental capacity for problem-solving, (2) economies of scale, (3) risk sharing among municipalities, (4) opportunities for “trade-offs,” and (5) greater governmental responsiveness to citizens.

Capacity for Problem Solving: Currently, there exists no popularly based institutional framework, other than the state, for effectively addressing concerns involving more than one municipality. The establishment of a regional government would significantly alter this situation by creating a strong mechanism for dealing with regional issues, thus improving the overall capacity of government to respond to problems which “spill over” local boundaries.

Economies of Scale: Vesting regional governments with selected functional responsibilities frequently produces economies of scale which are not possible at a municipal level. Such cost efficiencies can be realized in staffing, administration, planning and delivery of programs and services, and capital investments.

Risk Sharing: Under a regional government approach, municipalities would be more willing to share risks associated with the provision of certain services and programs. Solid waste disposal facilities, for example, often require enormous initial capital outlays. If the participants agree in advance to share these costs, they distribute the risk of the venture and reduce uncertainty through institutionalizing long-term regional cooperation.

Trade-Offs: Currently, there is no institutional framework capable of promoting equity among the various municipalities in terms of “trade-offs.” There is little doubt that, on selected issues, some communities derive greater benefits than others. The structuring of a

popularly elected, general purpose regional government with a broad array of responsibilities would seek to ensure that regional decision-making, over the long run, reflects a balance of policies, programs, and actions that promotes overall equity among constituent municipalities.

Responsiveness: Until popularly elected, general purpose regional government is established, citizens lack a comprehensive institutional focus through which they may influence decision-making processes at an area-wide level. In the absence of regional government, many area-wide functions will continue to be carried out in a fragmented manner by independent authorities or special districts which are not directly accountable to the public through the electoral process.

Boundaries

The boundaries of twelve proposed regions were derived by evaluating and weighting seven different categories of social, economic and political trends. The composite map of the proposed boundaries (see attached map) was prepared by using over 90 regional maps of Massachusetts.

Categories were weighted from one to fifteen with fifteen as the highest possible score. The following are the categories employed and the weights assigned to each of them:

1. Inter-municipal Relationships	15
2. Population Growth Factors	12
3. Socio-Economic Development Criteria	15
4. Services and Communications	15
5. Regional Transportation	15
6. Regional Planning	12
7. State Administrative Areas	10

The four categories given the highest rating, 15, were those considered to be fundamental determinants of population location (#3 and #5), or reflections of citizen preferences for certain inter-municipal configurations over others (#1 and #4).

Three categories, although weighted below fifteen, were given significant ratings. Population growth factors, including past growth and future projections, were rated 12 because population patterns depend

heavily upon economic and transportation factors. Regional planning lines, which were drawn as projections of existing Regional Planning Agency boundaries, were rated 12 because they are based on a modified *status quo*, rather than a re-examination of criteria to identify appropriate planning areas. State administrative areas were given the lowest rating, 10, because in most cases, they are illogical from a functional standpoint and continue to exist only because of the presence of facilities like county seats and district courts within them.

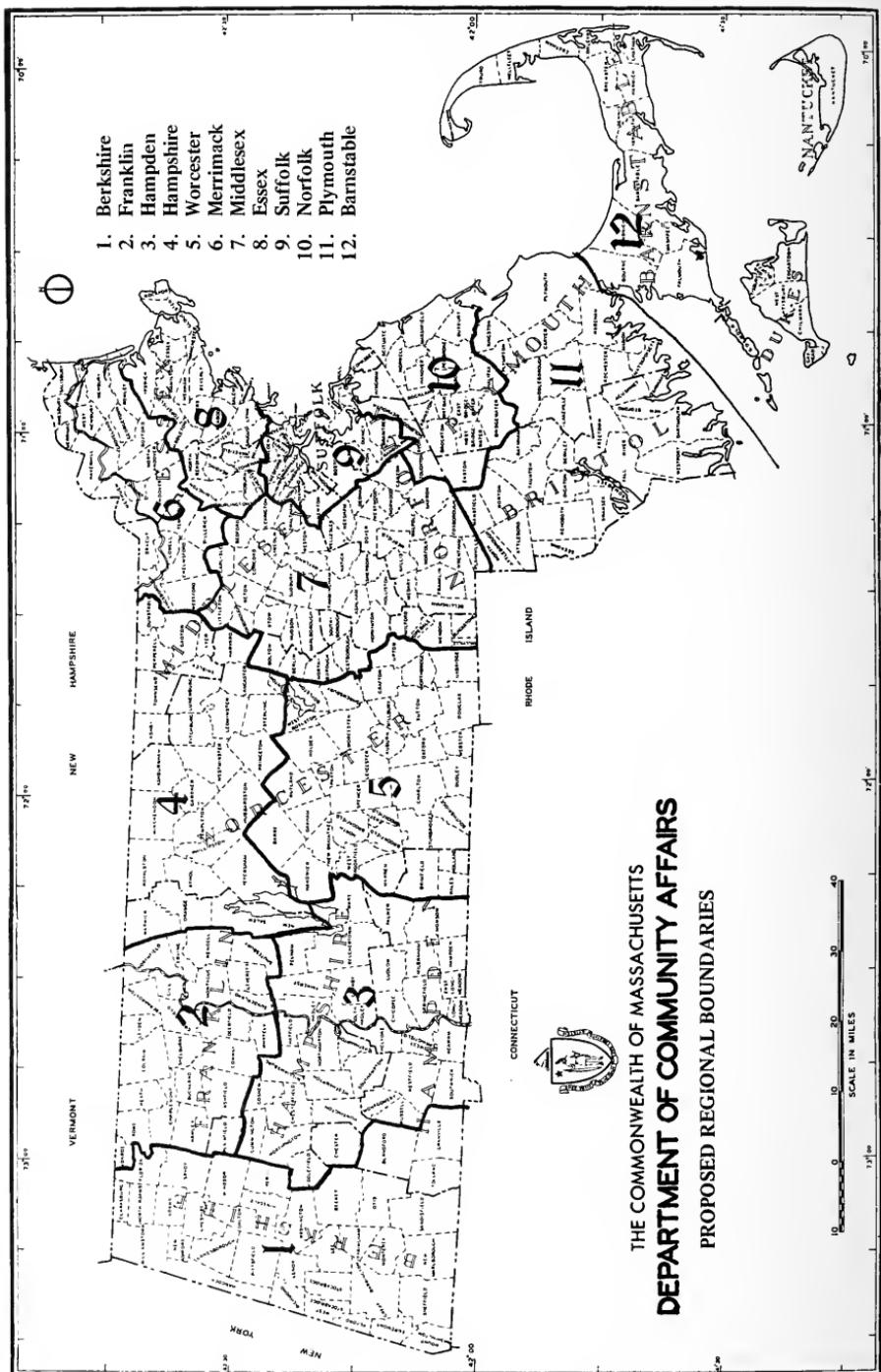
The application of the above criteria has produced the following regional boundaries: Berkshire, the large far western region, extends from the Pittsfield metropolitan area south to include a number of towns bordering on Connecticut. Franklin Region closely resembles the existing Franklin County, centered around Greenfield. Hampden Region is a reduced combination of Hampshire and Hampden Counties, including the Springfield metropolitan area.

In the north central portion of the state, Hampshire Region encompasses the cities of Athol, Gardner, Fitchburg-Leominster, and surrounding towns. Worcester Region covers south central Massachusetts and includes the Worcester metropolitan area as well as a substantial rural section to the west of Worcester. Merrimack Region runs along the Merrimack River Valley and includes three urban areas -- Lowell, Lawrence, and Haverhill-Merrimack.

Middlesex Region is centered around Marlborough-Framingham; Essex Region, the North Shore Area; Suffolk Region, the Boston Metropolitan Area; and Norfolk Region, the Brockton Metropolitan Area and the South Shore. Middlesex, Essex, Suffolk, and Norfolk encompass the area now included in the Metropolitan Area Planning Council (MAPC). These four proposed regions might comprise a federation for certain purposes, while control over unique regional growth and development problems would remain with the individual regions. Plymouth Region includes Attleborough, Taunton, Fall River and New Bedford as well as Plymouth. Cape Cod, Martha's Vineyard, and Nantucket form Barnstable Region.

1. Berkshire
2. Franklin
3. Hampden
4. Hampshire
5. Worcester
6. Merrimack
7. Middlesex
8. Essex
9. Suffolk
10. Norfolk
11. Plymouth
12. Barnstable

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF COMMUNITY AFFAIRS
PROPOSED REGIONAL BOUNDARIES



Structure and Transition

The Department recognizes that the establishment of an effective middle level government cannot be accomplished without allowing a reasonable period for transition. As a result, the proposed DCA legislation provides for the establishment of popularly elected regional government through a series of stages beginning with the creation of a uniform government structure for all regions which would serve on an interim basis. This structure would consist of a fifteen member board of regional councillors elected at large for a two-year term, and a regional administrator selected by the board. Within twenty-one months from the date of its initial election, the board, after considering various structural alternatives, would recommend one form of government to the regional electorate by way of a popular referendum. Should the recommended structure not be approved, the interim governmental structure of the region would become permanent.

Under the proposed legislation, existing regional planning agencies would become the regional planning departments of their respective regional governments. While the new regional boundaries will be different from existing regional planning agency areas, any necessary adjustments or transfer of staff would be coordinated through the state regionalization committee, described later in this narrative.

Functions

The Community and Environmental Development Study which was submitted to the Governor and General Court in December 1970 enumerated the following economic and political guidelines for determining the manner in which governmental functions should be apportioned among different levels of government:

Economic Guidelines

- ... The governmental jurisdiction responsible for providing a service should be large enough to enable benefits from that service to be consumed primarily within the same jurisdiction.
- ... A unit of government should have a large enough service area to achieve economies of scale.
- ... A unit of government performing a function should have an adequate fiscal base to support the service it delivers.

Political Guidelines

- ... The performance of functions by a unit of government should remain controllable by and accessible to its constituents through their elected officials.
- ... A unit of government carrying out a function should have a geographic area of political jurisdiction which is adequate for effective performance of its specific functions.
- ... A unit of government should have both the legal authority and administrative ability to perform its assigned services.

Clearly, municipal governments continue to be the appropriate level for carrying out many functions. Equally apparent, however, is the fact that many functional responsibilities currently administered by local government require a larger governmental jurisdiction to meet the above political and economic guidelines. This is not to say that all aspects of a given function should be transferred to a regional level; indeed, in many cases, authority and responsibility for the conduct of a particular governmental function should be shared. Under such a sharing of responsibility, local government would continue to administer those elements which are essentially local in nature, while a regional government would be vested with the responsibility for carrying out those parts which require an area-wide jurisdiction for effective response.

In terms of the interim regional government's functional responsibilities, the proposed legislation has initially mandated only one, planning, in the belief that control over land use and development is fundamental to general purpose regional government since it is the essential building block upon which so many other factors are determined. In addition, however, the legislation identifies a number of optional functions which a regional governing body may vote to assume in whole or in part once the final regional governmental structure is determined by popular referendum. Through such an approach, it is likely that each region will administer a unique mix of functions tailored to its own needs.

Financing: State Regionalization Committee

Financing of the regional governments would be provided in two

steps. During the initial two year period, the cost of establishing the structure for regional government, i.e., elections of regional councillors, salaries for regional administrators, etc., would be borne by appropriations from the General Court. Long term financing of regional government would be determined by a state regionalization committee to be composed of members appointed by the General Court and the Governor. Their investigation of potential regional fiscal bases would include the possible utilization of surcharges on existing state taxes, user charges, excise taxes, or any other means of taxation not prohibited by the state constitution or statutes. In addition, the state regionalization committee would render general technical assistance to newly established regional governments as well as prepare recommendations to the General Court concerning the abolition of existing county government and the transfer of its functions and employees to state or regional government.

Conclusion

In summary, the Department of Community Affairs' regional government legislation establishes a scheduled commitment to the formation of popularly elected, general purpose regional government while at the same time avoiding the rigidity of a uniform state-imposed structure and set of functions for all regions. Given the strong preferences and unique mix of problems in different geographic areas of the state, the Department believes that the approach utilized in this legislation represents the most viable way of achieving the objective of regional government.

II

NEIGHBORHOOD GOVERNMENT

Any substantive analysis which focuses upon governmental roles and responsibilities must give consideration to one of the most strident citizen demands of recent years: the quest for neighborhood control over those public institutions and services which affect the daily lives of urban residents. This issue continues to gather momentum in the face of two facts of contemporary city life: the increasing inability of the citizen to influence community decision-making and the steady decline of municipal services, particularly in the "forgotten" neighborhoods of larger cities.

The growth of municipal bureaucracy, the professionalization of civil service, and the reform of the local electoral process, including the shift from district to at-large election of the municipal governing body, have seriously diminished citizens' ability to affect governmental decisions. At the same time, greater expectations and militancy brought about by the civil rights movement and the federal anti-poverty programs as well as the impact of the mass media have reinforced citizen demands for greater control over their lives.

In part, the general decline in municipal services is also tied to the urban fiscal crisis resulting from diminishing municipal tax bases at a time when cities increasingly reflect a disproportionate percentage of citizens who require a high level of public services -- the poor, the elderly, the handicapped, and minority groups. Undoubtedly however, much of the problem lies in the deep sense of powerlessness felt by citizens who no longer believe they can influence the governmental process.

The net result of the above trends is a less responsive local government; this unresponsiveness becomes most apparent in the services delivered by the city, whether they are education, police, street maintenance, or public health.

In the face of unresponsive governments, urban residents, particularly those residing in cohesive ethnic and minority neighborhoods, have reacted by making strong demands for sub-local autonomy. The fact that citizens of suburban communities currently enjoy considerable control over public services and decision-making has not been

lost on inner city residents who now seek an equivalent influence over their governmental institutions.

One question which logically arises in a consideration of governmental restructuring is whether the development of neighborhood government is consistent with regionalization. Research indicates that new forms of government at the regional and sub-local levels are entirely compatible as long as the responsibilities for functions are apportioned in a manner that promotes effective and responsive delivery of governmental services to citizens. If one examines various functional responsibilities, it becomes apparent that various elements within a given function are often best performed by different levels of government. Thus, in the case of solid waste disposal, collection is probably best handled at a sub-local or local level, while disposal facilities require a level of capital investment and economies of scale which can only be effectively addressed at a regional level. Similarly within the police function, street patrol might be best controlled by a sub-local unit of government since responsiveness is a critical quality in carrying out this responsibility. Record keeping, research, and detective functions, however, involve responsibilities that readily lend themselves to more centralized administration at the municipal or regional levels.

In short, all functions of government contain elements which are appropriately carried out by different levels of government. Sub-local units of government merely represent another point along this continuum of responsibility and are entirely compatible with the proposed establishment of popularly elected regional governments.

In order to address citizen concerns for more effective and responsive local government, the Department of Community Affairs is proposing the adoption of legislation which would permit municipalities containing more than 75,000 people to delegate service functions to elected Neighborhood Service Area Councils.

DCA's proposed legislation outlines comprehensive procedures by which citizens may petition their municipal governing body to establish neighborhood service areas. The residents of such areas would then elect neighborhood councils to administer any functions delegated to them by the municipal governing body. In this manner,

neighborhood residents would be able to achieve some measure of control over the functions and services that directly affect their daily lives.

The City of Newton has just adopted a similar approach in the form of a charter provision. However, the Department believes that a flexible state-wide standard is necessary to provide a framework useful to other large municipalities interested in establishing forms of neighborhood government.

III

LAND USE POLICY

The rational utilization of scarce land resources is a concern which demands active state leadership. Among the major findings contained in the Community and Environmental Development Study submitted to the General Court in December 1970 were two which directly relate to this issue:

- ... Knowledge regarding the impact of community and environmental development activities upon the natural environment continues to be limited, thus handicapping all participants in the community and environmental development process.
- ... In spite of commendable efforts by many state agencies to utilize advanced planning tools and techniques, a coherent state-wide approach to community and environmental development has not yet evolved.

The passage of numerous statutes by the General Court such as state legislation protecting wetlands, scenic rivers and reservoirs, and Chapter 774 which permits low-income housing developers to appeal local zoning decisions, has promoted more rational land use. In addition, regional planning agencies have encouraged comprehensive land use planning at the regional level. Nonetheless, Massachusetts continues to suffer from the absence of a comprehensive state land use policy. With nearly 5.7 million people contained within a land area of approximately eight thousand square miles, Massachusetts is already one of the most densely populated states in the nation. Given these population pressures, the future allocation of land resources must be carefully guided by a strong state policy which maintains the delicate balance between land preservation and development.

In advocating a state land use policy, the Department refers to the establishment of state guidelines which would promote consistent and rational public and private decisions in the use and development of land resources. Such policies would give overall direction to land planning. At the same time, these policies would be subject to modification by both new findings and the on-going planning process. The formulation of land use policies should be conceived as proceeding

from the general to the particular, i.e., from state to regional to municipal, with each level supplying the foundation for more detailed determinations.

Critical to the development of a sound state land use policy is an intensive analysis of the current status of land use controls and existing patterns of development. Below is a proposed outline of a work program for conducting such an analysis and developing a state land use policy.

I. Analysis of Current Status of Land Use Control

A. Public Sector

1. State
2. Regional
3. Local
 - a. Zoning
 - b. Subdivision Regulations
 - c. Relationship of Capital Improvements to Land Use
 - d. Financial, Tax, and Program Incentives
 - g. Other Techniques (acquisition, purchase of easements, etc.)

B. Private Sector

1. Free Market
2. Non-profit Environmental Groups

II. Existing Patterns of Development

- A. Community Growth Patterns
- B. Efficiency in Use of Land Resources
- C. Threats to Environment
- D. Compatibility of Uses
- E. Exclusionary Barriers
- F. Effect of Inequities in Municipal Tax Burdens

III. Establishment of State and Regional Land Use Goals to Reflect the Following Demands and Constraints

A. Demands

1. Population

- a. Growth
- b. Location
- c. Demographic Characteristics

- 2. Commerce and Industry
- 3. Agriculture
- 4. Recreation and Open Space
- 5. Ecological Preservation

- B. Constraints

- 1. Social-cultural
- 2. Political-legal
- 3. Economic
- 4. Environmental
- 5. Aesthetic
- 6. National Land Use Policy

iV. Possible Administrative Mechanisms, Including But Not Limited to:

- A. Determination of Existing Roles and Responsibilities of Various State, Regional and Local Agencies.
- B. Designation of a Single State Agency to be Responsible for the Development, Coordination, and Implementation of the State Land Use Policy.
- C. Establishment of a State Inter-Agency Coordinating Council with Powers of Review of State, Regional, and Local Land Use Actions.
- D. Creation of Regional Zoning Review Power.
- E. Creation of State Land Bank.
- F. Establishment of State Development Capability.

V. Investigation of Possible Techniques for Achieving State and Regional Land Use Policy Goals, Including But Not Limited to:

- A. Regionalization of Land Use Controls
- B. Strategic Placement of New Capital Facilities
- C. Acquisition of Land or Easement Rights
- D. Use of Tax Incentives by State and Local Governments

- E. Use of State Program and Financial Aid Incentives
- F. Identification and Control of Critical Development Areas
- G. Employment of Sanctions, i.e., Withholding of State Aid to municipalities

In a recent statement, Governor Sargent suggested that a timely, well-founded federal grant program for state land use planning which provides states with freedom of action and allows for the advance acquisition of land, when necessary, is critical to the development of an effective land use policy for the Commonwealth. Both the scope of analysis and number of major elements, however, necessitates a level of resources beyond the existing staff capacity of Massachusetts state government. The U. S. Congress is currently considering the enactment of legislation which would provide additional financial assistance to state government in the preparation of land use policies. The Department of Community Affairs recommends the enactment of such federal legislation and will continue to support efforts leading to the development of a land use policy at the state level, including maintaining close liaison with the Office of Planning and Program Coordination, the Department of Commerce and Development, the Department of Natural Resources, and the Department of Public Works.

APPENDIX A

The Commonwealth of Massachusetts
IN THE YEAR
ONE THOUSAND NINE HUNDRED AND SEVENTY-TWO

AN ACT TO INITIATE ORGANIZATION OF
REGIONAL GOVERNMENT IN MASSACHUSETTS

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Statement of Legislative Findings

It is hereby found that municipalities throughout the commonwealth are experiencing complex physical, social and economic changes which are sorely testing the capacity of local government. Rapid suburbanization, declining central city cores, the influx and/or exodus of industry and jobs, and accompanying demographic changes are representative of the crises which confront large areas of the state. It is further found that these social, demographic and economic changes within regions of the commonwealth have created problems and service needs which cannot be adequately met by the individual cities, towns, and districts. It is further found that no municipality can pursue its interests effectively without cooperating closely with those municipalities by which it is bounded. It is further found and declared that existing county government is neither structurally nor functionally suited to resolve such problems. It is further found that the only effective way to successfully deal with problems area-wide in scope is to develop regional general purpose political institutions which can respond to such economic and social issues.

Section 2. Purpose

It is the purpose of this act to establish a system of regional governments throughout the commonwealth in order to provide greater capacity for regional problem solving, increased governmental responsiveness, improved economies of scale and more effective regional co-operation.

In order to accomplish the above, it is the purpose of the act to:

- (a) delineate within the commonwealth geographic regions which

constitute optimum regional government service areas;

(b) provide for the establishment and financing of interim regional governments which shall exist until such time that a permanent regional governmental structure shall be chosen by popular referendum in each region. The period of the interim regional governmental structure shall also provide sufficient time for said regional governments to examine and recommend innovative approaches to regional problems, including the transfer of selected functions to the permanent regional government;

(c) establish a state regionalization committee which shall examine and make recommendations to the general court regarding the permanent method of regional government financing, the abolition of county government, and the disposition of existing county functions and responsibilities.

Section 3. *Definitions*

- (1) “board of regional councillors” – shall mean the fifteen regional councillors elected in accordance with section seven (a) of this act.
- (2) “chairman” – shall mean the individual elected by majority vote from among the fifteen regional councillors, as provided in section seven (a) of this act.
- (3) “chief administrator” – shall mean the individual chosen by the board of regional councillors in accordance with section seven (a) of this act, and who is responsible for the supervision of the administration and work of regional departments, offices, and agencies.
- (4) “comprehensive development plan” – shall mean such plan as provided for in section eight of this act, and which will encompass, *inter alia*, physical, social, and economic needs of the regional area.
- (5) “interim regional government” – shall mean that government which is initially created by section seven (a) of this act and which shall be responsible for conducting studies and recommending a permanent regional government.
- (6) “permanent regional government” – shall mean the government

which is approved by a popular referendum to act as the permanent governmental structure of the region; or, in the event that a majority of the region's voting electorate does not approve a recommended permanent governmental structure, then the permanent regional government shall mean the interim regional governmental structure as supplemented by the state regionalization committee.

- (7) "regions" – shall mean those geographic areas as established by section four of this act.
- (8) "regional councillors" – shall mean those individuals, elected in accordance with section seven (a) of this act, who shall number fifteen for each region and shall serve as the board of regional councillors.
- (9) "regional government" – shall mean that governmental structure, created pursuant to section seven (a) of this act, which shall constitute the governing body of the regions.
- (10) "regional planning department" – shall mean that department which is created in accordance with section six of this act and comprised of all currently existing regional planning and economic development districts.
- (11) "state regionalization committee" – shall mean that committee created by section seven (b) of this act consisting of three representatives designated by the speaker of the house of representatives, two senators designated by the president of the senate, and four other residents of the commonwealth designated by the governor.

Section 4. *Organization of Regions*

On the effective date of this act, the following new regions shall be established:

(a) Berkshire Region shall be comprised of the following cities and towns:

Adams	Mt. Washington
Alford	New Ashford
Becket	New Marlborough
Blandford	North Adams
Cheshire	Otis
Clarksburg	Peru
Dalton	Pittsfield
Egremont	Richmond
Florida	Sandisfield
Granville	Savoy
Great Barrington	Sheffield
Hancock	Stockbridge
Hinsdale	Tolland
Lanesborough	Tyringham
Lee	Washington
Lenox	West Stockbridge
Monterey	Williamstown
	Windsor

(b) Franklin Region shall be comprised of the following cities and towns:

Ashfield	Leverett
Bernardston	Leyden
Buckland	Monroe
Charlemont	Montague
Colrain	Northfield
Conway	Plainfield
Deerfield	Rowe
Erving	Shelburne
Gill	Shutesbury
Greenfield	Sunderland
Hawley	Wendell
Heath	Whately

(c) Hampden Region shall be comprised of the following cities and towns:

Agawam	Middlefield
Amherst	Monson
Belchertown	Montgomery
Chester	Northampton
Chesterfield	Palmer
Chicopee	Pelham
Cummington	Russell
Easthampton	South Hadley
East Longmeadow	Southampton
Goshen	Southwick
Granby	Springfield
Hadley	Ware
Hampden	Westhampton
Hatfield	Westfield
Holyoke	West Springfield
Huntington	Wilbraham
Longmeadow	Williamsburg
Ludlow	Worthington

(d) Hampshire Region shall be comprised of the following cities and towns:

Ashburnham	New Salem
Ashby	Orange
Athol	Pepperell
Ayer	Petersham
Clinton	Phillipston
Dunstable	Princeton
Fitchburg	Royalston
Gardner	Shirley
Groton	Sterling
Harvard	Templeton
Hubbardston	Townsend
Lancaster	Warwick
Leominster	Westminster
Lunenburg	Winchendon

(e) Worcester Region shall be comprised of the following cities and towns:

Auburn	Oakham
Barre	Oxford
Boylston	Paxton
Brimfield	Rutland
Brookfield	Shrewsbury
Charlton	Southbridge
Douglas	Spencer
Dudley	Sturbridge
East Brookfield	Sutton
Grafton	Upton
Hardwick	Uxbridge
Holden	Wales
Holland	Warren
Leicester	Webster
Millbury	West Boylston
New Braintree	West Brookfield
Northbridge	Worcester
North Brookfield	

(f) Merrimack Region shall be comprised of the following cities and towns:

Amesbury	Merrimac
Andover	Methuen
Billerica	Newbury
Boxford	Newburyport
Chelmsford	North Andover
Dracut	Rowley
Georgetown	Salisbury
Groveland	Tewksbury
Haverhill	Tyngsborough
Lawrence	Westford
Lowell	West Newbury

(g) Middlesex Region shall be comprised of the following cities and towns:

Acton	Mendon
Ashland	Medfield
Bedford	Medway
Bellingham	Milford
Berlin	Millis
Blackstone	Millville
Bolton	Natick
Boxborough	Needham
Canton	Norfolk
Carlisle	Northborough
Concord	Norwood
Dedham	Plainville
Dover	Sharon
Foxborough	Sherborn
Framingham	Southborough
Franklin	Stow
Holliston	Sudbury
Hopedale	Walpole
Hopkinton	Waltham
Hudson	Wayland
Lexington	Wellesley
Lincoln	Westborough
Littleton	Weston
Marlborough	Westwood
Maynard	Wrentham

(h) Essex Region shall be comprised of the following cities and towns:

Beverly	North Reading
Burlington	Peabody
Danvers	Reading
Essex	Rockport
Gloucester	Salem
Hamilton	Saugus
Ipswich	Stoneham
Lynn	Swampscott
Lynnfield	Topsfield
Manchester	Wakefield
Marblehead	Wenham
Melrose	Wilmington
Middleton	Winchester
Nahant	Woburn

(i) Suffolk Region shall be comprised of the following cities and towns:

Arlington	Medford
Belmont	Milton
Boston	Newton
Braintree	Quincy
Brookline	Randolph
Cambridge	Revere
Chelsea	Somerville
Everett	Watertown
Malden	Winthrop

(j) Norfolk Region shall be comprised of the following cities and towns:

Abington	Holbrook
Avon	Hull
Bridgewater	Marshfield
Brockton	Norwell
Cohasset	Pembroke
Duxbury	Rockland
East Bridgewater	Scituate
Easton	Stoughton
Halifax	West Bridgewater
Hanover	Weymouth
Hanson	Whitman
Hingham	

(k) Plymouth Region shall be comprised of the following cities and towns:

Acushnet	New Bedford
Attleboro	North Attleboro
Berkeley	Norton
Carver	Plymouth
Dartmouth	Plympton
Dighton	Raynham
Fairhaven	Rehoboth
Fall River	Rochester
Freetown	Seekonk
Kingston	Somerset
Lakeville	Swansea
Mansfield	Taunton
Marion	Wareham
Mattapoisett	Westport
Middleborough	

(l) Barnstable Region shall be comprised of the following cities and towns:

Barnstable	Hardwick
Bourne	Mashpee
Brewster	Nantucket
Chatham	Oak Bluffs
Chilmark	Orleans
Dennis	Provincetown
Eastham	Sandwich
Edgartown	Tisbury
Falmouth	Truro
Gay Head	Wellfleet
Gosnold	West Tisbury
	Yarmouth

Section 5. Regional Government Seats

Regional governmental seats for the regions enumerated in section four shall be as follows:

1. Berkshire Region	—	Pittsfield
2. Franklin Region	—	Greenfield
3. Hampden Region	—	Springfield
4. Hampshire Region	—	Fitchburg
5. Worcester Region	—	Worcester
6. Merrimack Region	—	Lawrence
7. Middlesex Region	—	Framingham
8. Essex Region	—	Salem
9. Suffolk Region	—	Boston
10. Norfolk Region	—	Brockton
11. Plymouth Region	—	New Bedford
12. Barnstable Region	—	Barnstable

Section 6. Disposition of Regional Planning and Economic Development Districts

All regional planning and economic development districts as provided for under existing special or general statutes shall cease to exist upon the effective date of this act. Such duties, responsibilities and

functions of said agencies, which the newly created board of councillors, as provided in section seven (a) of this act deem appropriate, shall be assumed by a regional planning department. All staff of said agencies shall be transferred to the newly established regional planning departments. Said planning departments shall be created and function under the supervision and authority of the boards of regional councillors. To implement this section sections one through six and eight through nineteen of chapter forty B of the general laws as well as chapter four hundred twenty-five of the acts of one thousand nine hundred sixty-three, chapter six hundred sixty three of the acts of one thousand nine hundred sixty eight, chapter four hundred fifty three of the acts of one thousand nine hundred sixty five, chapter six hundred ninety of the acts of one thousand nine hundred sixty eight, chapter eight hundred forty nine of the acts of one thousand nine hundred seventy, and chapter three hundred thirty two of the acts of one thousand nine hundred sixty seven all as amended, are hereby repealed, and all books, documents, records, plans and other materials and properties of the agencies thereunder established shall become the property of the appropriate regional government. Said transfer of staff and of materials shall be as determined by the state regionalization committee as provided for in section seven (b) of this act.

Section 7. Establishment of Regional Government

(a) Within one year from the effective date of this act, each region as enumerated in section four shall hold an at-large election for the purpose of selecting fifteen regional councillors. Said election shall be conducted in accordance with the provisions of chapters fifty to fifty seven inclusive of the general laws. Regional councillors-at-large must be registered voters residing within the region who shall be at least eighteen years of age. Upon the election and qualification of the regional councillors-at-large by the secretary of the commonwealth, they shall serve for a period of two years or until such time as a permanent form of regional government is adopted as provided by this act. Said councillors-at-large shall comprise the board of regional councillors. Subsequent to and within one calendar month of said election, the regional councillors-at-large shall organize by elect-

ing from among their body one member to serve as chairman of the board of regional councillors, and one member to serve as vice-chairman in the event of absence or disability of the chairman. Election shall be by majority vote.

The members of the board of regional councillors shall receive no salary, but shall, however, be reimbursed for expenses incurred in the performance of their duties. These expenses shall in no event exceed two hundred dollars per month in the aggregate.

The board of regional councillors shall employ an individual to serve as chief administrator of the region. Said administrator shall take policy initiatives subject to the approval of the board of regional councillors and shall supervise the administration and work of all regional departments, offices, and agencies subject to the administrative procedures adopted by the board. Said administrator may be charged with such administrative responsibilities and vested with such powers as deemed necessary and proper by the board of regional councillors. Said administrator may be removed or suspended at any time by a majority vote of the board of regional councillors upon adequate notice and right of public hearing. The administrator shall be appointed by the regional board on the basis of his administrative qualifications and need not be a resident of the region. The salary of said administrator shall be fixed by the regional board.

Within two years from the date of their election and at least six months prior to the next state general election, the boards of regional councillors shall conduct a popular referendum in accordance with the provisions of chapter fifty three, section twenty two A of the general laws. Said referendum shall allow the residents of the region to approve or disapprove the permanent governmental structure recommended by the board of regional councillors based upon its analysis of alternative regional governmental structures.

Said referendum shall also provide an opportunity for the regional electorate to indicate a preference that the existing board of regional councillors appoint a representative commission for the purpose of developing an alternative form of regional government structure for the region. If the permanent regional government structure as recommended by the board of regional councillors fails to secure a

majority vote on said referendum, and at least ten percent of the voting electorate indicates a preference for said commission to be established, the board of regional councillors shall establish said commission and the existing board of regional councillors shall continue to hold office until such time as a second referendum may be presented to the regional electorate on the basis of said commission's recommendation. If, however, said permanent regional government structure as recommended by the board of regional councillors fails on the referendum and less than ten percent of the voting electorate indicates a preference for the establishment of said commission, then the existing form of regional government shall become the permanent regional government structure in accordance with guidelines as determined by the state regionalization committee.

Any recommended governmental structure, whether by the boards of regional councillors or by a commission, so established by the terms of this section, shall consist of that form of regional government which said board or commission deems appropriate. At a minimum said recommended governmental structure shall include an executive branch, a legislative branch, and appropriate administrative apparatus for carrying out those functions and duties which have been deemed essential to the effective administration of the regional government.

(b) A state regionalization committee to consist of three representatives to be designated by the speaker of the house of representatives, two senators to be designated by the president of the senate, and four other residents of the commonwealth to be designated by the governor shall be established upon the passage of this act. An appropriation for the retention of professional and clerical staff shall be provided and said committee may apply for, receive and disburse funds from the federal government or private institutions in conformity with standards established by the commissioner of administration and finance. Said committee and its staff shall advise and render technical assistance to the boards of regional councillors during the latters' initial two year term of office. In the event that the interim governmental structure becomes the permanent regional governmental structure as provided in subsection seven (a), the state regionalization committee shall be charged with establishing guide-

lines and procedures for said permanent governmental structure. Said committee shall also be charged with such responsibilities as set out in sections six, seven, nine and thirteen.

(c) The boards of regional councillors as provided for in subsection (a) of this section shall establish a continuing public information process for the purpose of making the regional electorate aware of the elements of the regional government structure which said board recommends, and which shall be subsequently voted upon by popular referendum, as provided in subsection (a) of this section.

(d) The permanent regional government shall be empowered to contract with individuals, corporations, municipalities, other regions, or with the commonwealth, as it deems proper and in the public interest, in order to effectuate any government function with which it is charged by the laws of the commonwealth.

Section 8. *Functions*

(a) The function of regional planning shall be transferred to the regional governments immediately upon the establishment of the boards of regional councillors as provided in section seven (a) of this act. The boards of regional councillors shall prepare and adopt a comprehensive development plan for the regional area. Such plan shall recognize and encompass physical, social, and economic needs of the regional area and those future developments which will have an impact on the entire area and shall meet the criteria established by the department of community affairs. Said regional comprehensive development plan shall specifically include the development of regional plans for the following enumerated functions:

1. Zoning and land use	6. Parks and recreation
2. Urban and rural development	7. Conservation and open space
3. Economic development	8. Solid waste disposal
4. Housing	9. Water supply
5. Transportation and highways	10. Sewerage

The regional board may review municipal, state, and other agency comprehensive plans determined by the regional board to have an area-wide effect, a multi-community effect, or to have a substantial impact on regional development. All municipal plans shall be submitted to the regional board for comment before any action is taken

to place the plan or any part thereof into effect.

No action on any plan shall be taken by the municipality until sixty days have elapsed after the date of its submission to the board of regional councillors or until the board finds and notifies the municipality and other involved parties that the plan is not prohibited by the regional comprehensive development plan.

If within sixty days after the date of submission the regional board finds any municipal plan or any part thereof prohibited by the adopted regional comprehensive development plan, it shall inform the municipality of the unacceptability of the plan and direct that it be revised and resubmitted to meet regional requirements.

(b) The interim boards of regional councillors as established in section seven (a) of this act shall study the following enumerated services and functions and recommend to the permanent regional government those enumerated functions or parts of functions whose administration should be assumed by the permanent regional government. The boards of regional councillors of said permanent regional governments shall make a determination based upon said recommendations of the interim regional government.

1. Zoning	14. Education
2. Public health	15. Urban development
3. Tax assessment	16. Rural development
4. Law enforcement	17. Fire protection
5. Housing	18. Transportation
6. Economic development	19. Highways
7. Conservation and open space	20. Parks and recreation
8. Water supply	21. Waterways
9. Sewerage	22. Personnel and retirement
10. Pollution: noise, air, water	23. Libraries
11. Solid waste disposal	24. County extension
12. Data collection and processing	25. Civil defense
13. Central purchasing	26. Manpower

(c) In any instance whereby the regional electorate is aggrieved by the transfer or lack of transfer of functions or parts of functions

to the regional government, said electorate may utilize referendum or initiative procedures as established in chapter fifty three, section twenty two A of the general laws.

Section 9. *Financing*

(a) Regional planning departments shall be empowered to assess constituent municipalities on a per capita basis to finance the costs and expenses for said departments during the period of interim regional government, as established in section seven (a). Said assessment and collection for each region shall be governed by the provisions of chapter forty B, section seven of the general laws.

(b) All funds necessary to effectuate the intent and purpose of this act prior to and during the period of interim regional government shall be by general court appropriations except for funds necessary to pay the cost of the regional planning departments as provided in subsection (a) of this section. Thereafter, revenue for support and maintenance of the regional governments shall derive from an equitable means of taxation to be developed by the state regionalization committee prior to the establishment of a permanent regional government and submitted to the general court for approval.

Section 10. *Grants*

In furtherance of the purpose of this act,

(a) any regional government may secure and expend grants from private foundations or agencies, and accept grants from the federal government and enter into contracts for and agree to accept such grants, donations or subsidies in accordance with such reasonable conditions and requirements as may be imposed thereon;

(b) the general court shall petition the federal government to realign federal grant regions to coincide with the reorganized regional boundaries, and empower the regional governments to conduct federal A-95 reviews.

Section 11. *Annual Audit*

The regional government shall provide for an annual audit on all records and accounts, to be submitted to the department of corporations and taxation and constituent municipalities.

Section 12. Annual Report

The regional government shall prepare an annual report covering the activities of all regional agencies, departments, boards, and commissions, including fiscal information relative to each. Said report shall be submitted to the governor and constituent municipalities.

Section 13. Transition Provisions

(a) The state regionalization committee as established in section seven (b) of this act shall be charged with studying and recommending to the boards of regional councillors feasible means for an equitable transition to regional government. The scope of the committee's study shall include, but not be limited to:

1. recommendations to the general court regarding the abolition of existing county government and the disposition of its functions;
2. technical assistance in planning for the transition from existing county to regional government;
3. further definition and determination of any procedural issues relative to this act;
4. recommendations to the general court regarding the disposition of all independent authorities, commissions, and special districts;
5. recommendations to the general court regarding the equitable transfer of non-elected county employees to new positions within state or regional government.
6. recommendations to the general court concerning amendments to existing state statutes;
7. any other functions otherwise required by this act.

(b) In carrying out said responsibilities the state regionalization committee shall consult on a regular basis with elected officials of county and municipal governments.

(c) The responsibilities of the state regionalization committee as enumerated in subsection (a) of this section shall be discharged on a timely basis in order to expedite the provisions of this act. Said committee shall annually, on April first, file a report outlining activities

and recommendations regarding responsibilities enumerated herein.

Section 14. *Severability*

If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

APPENDIX B

The Commonwealth of Massachusetts
IN THE YEAR
ONE THOUSAND NINE HUNDRED AND SEVENTY-TWO
AN ACT TO AUTHORIZE CERTAIN CITIES AND TOWNS
TO ESTABLISH NEIGHBORHOOD SERVICE AREAS TO
UNDERTAKE CERTAIN GOVERNMENT SERVICES

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Purpose

It is the purpose of this act to encourage citizen involvement in government at the neighborhood level in urban areas by permitting limited self-government through the establishment of neighborhood councils as legal entities of the cities and towns.

Section 2. Definitions as used herein:

(a) "city" or "town" means any municipality of more than 75,000 population, as determined by the latest official census.

(b) "neighborhood service area" means an area within a city or town which, if approved by the municipality, may exercise limited powers of local self-government.

(c) "council" means a neighborhood service area council created pursuant to section ten of this act to govern a neighborhood service area.

(d) "duly advertised" means with public notice given in at least one newspaper of general circulation in the affected neighborhood service area at least thirty days prior to any public hearing and at least twice thereafter.

Section 3. Establishment of Neighborhood Service Areas.

The governing body of any city or town may establish within its borders one or more neighborhood service areas to undertake in whole or in part governmental services or functions that the city or town is authorized to undertake.

Section 4. *Determination of Neighborhood Service Area Boundaries.*

(a) For the purposes of defining potential neighborhood service areas and establishing boundaries for voter petition, as described in section seven, each city or town governing body shall hold duly advertised public hearings in potential neighborhood service areas. The various local public agencies and private non-profit community organizations and groups in each such area shall be notified of said meetings. Following the meetings, the governing body of each city and town shall prepare a map which divides the municipality into neighborhood service areas. A copy of the minutes of the hearings together with the map shall be filed with the Department of Community Affairs no later than April 15, 1973.

(b) Upon request, the Department of Community Affairs shall provide technical assistance to the city or town governing body in holding hearings and setting boundaries as required by this act.

Section 5. *Criteria for Establishment of Neighborhood Service Areas.*

In determining the neighborhood service area boundaries, the city or town governing body shall take into consideration the following criteria:

(a) the extent to which the area constitutes a neighborhood with common concerns and capacity for local neighborhood initiative, leadership, and decision-making with respect to city or town government;

(b) the existence of natural service boundaries for the conduct of governmental functions;

(c) population density, distribution, and growth within a neighborhood service area to assure that its boundaries reflect the most effective territory for local participation and control. Under no circumstances shall a neighborhood service area contain less than five thousand inhabitants or more than fifteen percent of the municipality's population within its boundaries or twenty thousand inhabitants, whichever is larger;

(d) compatibility of the proposed boundaries with existing municipal electoral boundaries; and

(e) such other matters as might affect the establishment of boundaries and services which would provide for more meaningful citizen participation in city or town government.

Section 6. *Public Hearings.*

Within ninety days of the filing date established in section four, the city or town governing body shall provide for duly advertised public hearings in each of the proposed neighborhood service areas. At such hearings, the city or town governing body shall explain the purpose of delineating neighborhood service areas, and the rights of citizens to petition for the establishment of neighborhood service areas as described in this act. A written record of such hearings shall be submitted to the Department of Community Affairs.

Section 7. *Creation by Petition and Referendum.*

(a) If a petition requesting the establishment of a neighborhood service area is signed by at least ten percent of the registered voters within the neighborhood service area boundary, it shall be submitted to the city or town governing body. Such petition may specify the number of members of the neighborhood council within the provisions of section ten, and may provide for no more than two-thirds of the members to be elected from districts. If a petition provides for such districts, said petition shall delineate districts of equal population based upon census data provided in census tract form by the city or town governing body.

(b) The Department of Community Affairs shall provide technical assistance upon request to neighborhood residents involved in drawing up said petition.

(c) The petition shall be submitted to the city or town clerk who shall within fifteen days of receipt thereof certify that there exists a sufficient number of signatures. Upon verification of the signature thereon, the city or town governing body, within thirty days following verification, shall hold a duly advertised public hearing on the question of whether or not the requested neighborhood service area shall be established. A hearing may be adjourned from time to time, but shall be completed within sixty days of its commencement. A written record of said hearing shall be submitted to the Department

of Community Affairs.

(d) Within thirty days following the public hearing, a referendum concerning the acceptance of neighborhood service area government and of the proposed boundaries shall be submitted to the area's registered voters. A majority vote shall constitute approval.

(e) Within thirty days following the referendum, the city or town governing body shall approve or disapprove the establishment of the requested neighborhood service area. Failure to act shall be deemed to constitute approval. If disapproved, the city or town governing body must state its reasons in writing.

(f) Failure of the petition or referendum, or failure of the city or town governing body to approve the establishment of the neighborhood service area, shall not preclude the possibility of future petition(s).

Section 8. Boundary Changes of a Neighborhood Service Area.

The city or town governing body pursuant to a petition signed by at least ten percent of registered voters living within the neighborhood service area, may enlarge, diminish, or otherwise alter the boundaries of any existing neighborhood service area following the procedures set forth in section seven, (b), (c), and (d), except that said referendum must secure a majority vote in areas affected by proposed boundary changes.

Section 9. Dissolution of Neighborhood Service Area.

A city or town governing body, after a duly advertised public hearing, may dissolve a neighborhood service area pursuant to a petition signed by at least ten percent of registered voters in the neighborhood service area and a majority vote for dissolution in the resulting referendum.

Section 10. Election of Neighborhood Council; Vacancies.

(a) The neighborhood council shall consist of between nine and fifteen members, except that if no petition approved pursuant to section seven specifies the number, then it shall consist of eleven members. The term of office of each member shall be two years, and members shall serve until their successors are elected and qualified.

(b) Council members shall be elected at large by the voters of the neighborhood service area or in part by districts established by petition pursuant to section seven. If no petition approved pursuant to section seven delineates districts, then all of the council shall be elected at large. Neighborhood service area council elections shall be held at the same time as provided by law for holding municipal general elections, except that a special election may be held for the initial establishment of the council. In the case of a special election, councillors shall hold office only until the next regular municipal election. Council members shall be registered voters of the neighborhood service area.

(c) In the event of a vacancy, the council shall appoint the losing candidate who had the highest number of votes in the previous election.

Section 11. Council Powers and Functions.

A neighborhood council may exercise any powers and perform any functions within the neighborhood service area authorized by the city or town governing body. This may include but is not limited to:

(a) Advisory or delegated substantive authority, or both, with respect to such programs as urban renewal, relocation, public housing, planning and zoning, and other physical development programs; crime prevention and juvenile delinquency programs; health services; code inspection; recreation; education; and manpower training.

(b) Self-help projects, such as supplemental refuse collection, beautification, minor street and sidewalk repair, establishment and maintenance of neighborhood community centers, cultural activities, recreation, and housing rehabilitation and sale.

Section 12. Method of Financing.

(a) The city or town governing body shall annually provide a sum of money which is adequate to support the maintenance of programs and services to be operated by the neighborhood council. In appropriating funds for this purpose, the governing body shall take into consideration the neighborhood service area council's estimates of the fiscal resources necessary to effectively operate such functions, programs, and services.

(b) The neighborhood council shall have the legal right to contract with federal, state, and private agencies and receive funds for the administration of any functions, programs, and services, except as may be expressly prohibited by the city or town governing body.

Section 13. *Compensation; Meetings; By-Laws; Quorum.*

(a) Members of a council shall receive no compensation but may receive reimbursement of actual and necessary travel and other expenses incurred in the performance of official duties, up to a maximum of five hundred dollars in any one calendar year.

(b) All meetings of a council shall be open to the public.

(c) A council shall adopt by-laws providing for the conduct of its business and the selection of a presiding officer and other officers.

(d) A majority of the members of a council shall constitute a quorum for the transaction of business. Each member shall have one vote.

Section 14. *Staff and Outside Technical Assistance.*

(a) The council may employ staff and consult and retain experts as it deems necessary.

(b) Upon request by the council, the Department of Community Affairs shall provide continuing staff assistance to each neighborhood service area council established under this act, such assistance to be provided during, but not limited to, the first year of said council's operation.

Section 15. *Annual Report.*

The council shall make an annual report of its activities to the city or town governing body.

Section 16. *Amendments to Existing Statutes.*

Section 1A, Chapter 40 of the General Laws is hereby amended to read as follows:

“Except as otherwise provided, the word “district” as used in this chapter shall mean a fire, water, sewer, water pollution abatement, refuse disposal, light, or improvement district, neigh-

borhood service area, or any other district, howsoever named, formed for the purpose of carrying out any of the aforementioned functions, whether established under general law or special act.”

Section 17. *Severability.*

If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

M44 Mass. Dept. of Commun-
M1 ity Affairs.

M AUTHOR

1972 Report on Community and
1977 TITLE
En Environmental Development.

